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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/763,719
Filing Date	January 23, 2004
First Named Inventor	Thomas Zdeblick, et al.
Art Unit	3732
Examiner Name	Alvin J. Stewart
Attorney Docket Number	MSDI-200/PC261.21

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD  Remarks	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	September 7, 2006	Reg. No.	45,431

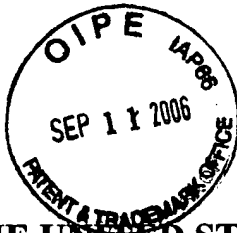
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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	Before the Examiner
Thomas Zdeblick et al.	)	Alvin J. Stewart
	)	
Serial No. 10/763,719	)	Group Art Unit 3732
	)	
Filed January 23, 2004	)	Ref. No. MSDI-200/ PC261.21
	)	
METHODS AND INSTRUMENTS	)	September 7, 2006
FOR INTERBODY FUSION	)	

## RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated June 8, 2006, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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September 7, 2006

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

September 7, 2006

Date of Signature

### **INTRODUCTORY COMMENTS**

Claims 15-22, 23, 39-52, 54, 55, 65, 67 and 71 are pending in the subject application. Claims 16-21 have been allowed. Claim 52 has been objected to, but has been indicated as allowable if rewritten in independent form. The remaining claims 15, 22, 23, 39-51, 54, 55, 65, 67 and 71 currently stand rejected. In view of the following remarks, reconsideration and allowance of the subject application are hereby requested.